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EXAMINER

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ART UNIT

PAPER NUMBER 9

2155

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/225,262

Applicant(s)

Chu et al.

Examiner  
Patrice L. Winder

Art Unit  
2155



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 4, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4-8 20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 23 recites the limitation "said processor" in line 9. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 28 recites the limitation(s) "said control adapter, said service adapter" in line 16. There is insufficient antecedent basis for this limitation in the claim.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by McHann, Jr., U.S.

Patent No. 5,991,806 (hereafter referred to as McHann).

6. Regarding claim 28, McHann taught a a program storage device readable by a machine tangibly embodying a program of instruction executable by the machine to perform a method for managing a data communications network (col. 12) comprising:

starting a network management application program (event-monitor application 1100);

starting an access database adapter in communication with said network management application program (communication with event files storage); and

starting a monitor interface adapter, said monitor interface adapter in communication with said control adapter, said service adapter, said access database adapter and an umbrella management system (server process 810, col. 12, lines 15-21).

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*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-16, 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHann in view of Bracho et al., U.S. Patent No. 5,873,084 (hereafter referred to as Bracho).

9. Regarding claim 1, McHann taught a method for conveying data communications network management information to an umbrella management system (conveying to dynamic system controller, abstract), the method comprising:

generating network management information (receiving network messages in proprietary formats, col. 12, lines 15-18);

converting said network management information events into umbrella management system information useable by said umbrella management system (col. 12, lines 18-19); and

communicating said umbrella management system information to said umbrella management system (col. 12, lines 25-32).

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McHann does not specifically teach publishing and subscribing to network information events. However, Bracho taught publishing said network management information as network management information events on an information bus (col. 5, lines 1-4);

subscribing to said network management information events at a monitor interface in communication with said information bus (col. 4, lines 43-47, 58-59);

receiving said network management information events at said interface (hub interface, col. 4, line 66 -col. 5, line 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Bracho's system for publishing/subscribing network events in McHann's dynamic system controller would have improved system effectiveness. The motivation would have been to integrate event collection from existing commercial software and legacy systems without extensive modifications (col.1, lines 35-39).

10. Regarding dependent claim 2, McHann taught further comprising:

filtering said network management information events to communicate selected information contained in said events (col. 12, lines 33-43).

11. Regarding dependent claim 3, McHann taught further comprising:

translating said umbrella management system information into an umbrella management system input protocol (col. 12, lines 19-24).

12. Regarding dependent claim 4, McHann taught said input protocol is Simple Network Management Protocol (SNMP) traps (input protocol to is SNMP, col. 12, lines 40-49).

13. Regarding dependent claim 5, McHann taught further comprising:

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communicating the translated umbrella management system information to a database within the umbrella management system (col. 12, lines 62-67).

14. Regarding dependent claim 6, McHann taught further comprising:

communicating the translated umbrella management system information to a network management system application within the umbrella management system (col. 12, lines 27-32).

15. Regarding dependent claim 7, McHann taught further comprising:

communicating the translated umbrella management system information to a Management Information Base (MIB) associated with the network management system application (col. 12, lines 62-67, col. 7, lines 57-63).

16. Regarding dependent claim 8, McHann does not specifically teach subscribing includes: subscribing to events related to the starting of an instance of a service component within the data communications network. However, “official notice” is taken that events related to the starting of an instance of a service component within the data communications network are “conventional events”.

17. Regarding dependent claim 9, McHann does not specifically teach subscribing includes: subscribing to events related to the stopping of an instance of a service component within the data communications network. However, “official notice” is taken that events related to the stopping of an instance of a service component within the data communications network are “conventional events”.

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18. Regarding dependent claim 10, McHann does not specifically teach subscribing includes: subscribing to events related to the configuration of a service within the data communications network. However, “official notice” is taken that events related to the configuration of a service within the data communications network are “conventional events”.

19. Regarding dependent claim 11, Bracho taught subscribing includes: subscribing to events related to the configuration of the monitor interface (hub administration, col. 9, lines 60-64).

20. Regarding dependent claim 12, McHann does not specifically teach subscribing includes: subscribing to events related to an error occurring at a service within the data communications network. However, “official notice” is taken that events related to an error occurring at a service within the data communications network are “conventional events”.

21. Regarding dependent claim 13, McHann does not specifically teach subscribing includes: subscribing to events responsive to two or more conflicting signals being received by a service within the data communications network. However, “official notice” is taken that events responsive to two or more conflicting signals being received by a service within the data communications network. said conflicting signals created by two or more network control consoles with a specified period of time are “conventional events”.

22. Regarding claims 8-10, 12-13, it would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating “conventional events” in McHann’s McHann’s dynamic system controller would have improved the effectiveness of McHann’s



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system. The motivation would have been because responsiveness to “conventional events” is an important criteria of network management.

23. Regarding dependent claim 14, Bracho taught further comprising: publishing events at the monitor interface on to the information bus (network = information bus, col. 3, line 67 - col. 4, line 4, col. 10, lines 5-8).

24. Regarding dependent claim 15, Bracho taught publishing events at the monitor interface includes: publishing events at the monitor interface in response to events received (first-in-first-out order, col. 10, lines 5-8).

25. Regarding dependent claim 16, Bracho taught publishing events at the monitor interface includes: publishing events at the monitor interface containing information conveyed from the umbrella management system (col. 9, lines 60-64).

26. The language of claims 20-22 is substantially the same as previously rejected claims 1-2, above. Therefore, claims 20-22 are rejected on the same rationale as claims 1-2.

27. Regarding claim 23, McHann taught a data communications network comprising:

a first processor including:

a network management application, an access database adapter in communication with said network management application and an information bus, and a database in communication with said network management application and said access database adapter (processor in network computer executing monitor-events application 1110, col. 12, lines 6-14);

a second processor including:

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a control adapter in communication with said information bus, a service adapter in communication with said information bus and said control adapter, said service adapter started by said control adapter service, and at least one service running on said processor, said service in communication with said service adapter (processor in network computer executing network management application with the ability to control network services, col. 13, lines 10-27); and

a monitor interface including:

a monitor interface adapter in communication with said information bus, said monitor interface adapter subscribing to and capturing events published by said access database adapter, said control adapter and said service adapter (server 810, col. 12, lines 15-21),

a converter in communication with said monitor interface adapter, said converter converting said events into umbrella management system information (col. 12, lines 18-19), and

a forwarder in communication with said converter, said forwarder conveying said network management information to an umbrella management system (col. 12, lines 25-32).

28. The language of claims 24-27 is substantially the same as previously rejected claims 1-2, above. Therefore, claims 24-27 are rejected on the same rationale as claims 1-2.

29. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHann.

30. Regarding claim 17, McHann taught a method for managing a data communications network (col. 12) comprising:

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starting a network management application program (event-monitor application 1100);  
starting an access database adapter in communication with said network management application program (communication with event files storage);  
starting a master daemon in communication with said access database adapter (system controller to access event file storage);  
starting a control adapter with said master daemon (invoking network management system);  
starting at least one service with said control adapter, said service including a service adapter in communication with said control adapter and said access database adapter (network service applications to access event files, col. 13, lines 10-27); and  
starting a monitor interface adapter, said monitor interface adapter in communication with said control adapter, said service adapter, said access database adapter and an umbrella management system (server process 810, col. 12, lines 15-21).

McHann does not specifically teach restarting said control adapter with said master daemon should said control adapter ever stop. However, “official notice” is taken that restarting a failed application module is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating “ restarting said control adapter with said master daemon should said control adapter ever stop” in McHann’s event-monitor for network management would have improved system effectiveness. The motivation would have been to improve control module reliability.

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31. Regarding dependent claim 18, McHann taught further comprising:

publishing at said control adapter, said service adapter and said access database adapter network management information events on to an information bus (col. 6, lines 33-59);

converting said network management information events into umbrella management system information useable by said umbrella management system (col. 12, lines 18-19); and

communicating said umbrella management system information to said umbrella management system (col. 12, lines 25-32). McHann does not specifically teach subscribing to network information events. However, Bracho taught subscribing at said monitor interface adapter to said network management information events (col. 4, lines 43-47, 58-59);

receiving said network management information events at said monitor interface adapter (hub interface, col. 4, line 66 - col. 5, line 14). For motivation for combination see claim 1, above.

32. Regarding dependent claim 19, Bracho taught further comprising:

publishing events at said monitor interface adapter on to said information bus (network information bus, col. 3, line 67 - col. 4, line 4, col. 10, lines 5-8).

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*Conclusion*

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Azarmi et al., U.S. Patent No. 5,905,715: taught a network management system structured to accomodate a layered model of the network and can be used to manage specific network services;

b. Stupek, Jr. et al., U.S. Patent No. 6,131,118: taught a management server for a network that performs event detection logic that processes event notifications transmitted via the network;

c. Lachelt et al., U.S. Patent No. 6,148,338: taught a network system which includes a central broker which monitors the managed environment and receives events in the managed environment and an event store which stores logged events;

d. Spence et al., U.S. Patent No. 6,185,600 B1: taught a universal event browser operable for viewing and browsing network and system events for a number of different product specific applications is presented;

e. Lawson et al., U.S. Patent No. 6,185,613 B1: taught a system for global event notification in a distributed computer environment that utilizes a local event registry to identify event consumers that should be notified when an event occurs;

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f. D. Artiges et al., TMN Based Accounting Management Architecture: taught a distributed architecture for accounting management of telecommunications network through assembling data by collector functions and concentrated by a central administrative point; AND

g. Li Ting Kwok, Telecommunication Management Network - Management Services (TMN-MS): taught TMN-MS provides supports for the operation, administration and maintenance (OAM) of the network being managed.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is (703) 305-3938. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink that reads "Patrice Winder". The signature is written in a cursive, flowing style with a large, prominent initial "P".

**Patrice Winder**  
**Patent Examiner**  
**Art Unit 2155**